

REMARKS

In the outstanding office action dated 01/04/2005, claims 1-7 were examined and stand rejected under 35 U.S.C. § 103(a) as being obvious over Talè, et al., U.S. Patent No. 6,269,931 (“Talè”). Applicant requests reconsideration and withdrawal of the rejection in view of the following remarks.

Claims 1-7 are Allowable.

Claim 1 describes a method of wrapping a group of cigarettes and recites, in part, feeding a group of cigarettes into a folding pocket with a sheet of a wrapping material which is folded into a U inside the folding pocket; moving into a closed work position two end clamping members, each having an appendix which engages a respective end of the longitudinal lateral gap when the relative end clamping member is moved into the closed work position, and folding the lateral portion of the sheet of wrapping material about the group and about the appendixes of the end clamping members to form a rectangular parallelepiped-shaped tubular wrapping about the group.

There is no valid *prima facie* case of obviousness based even in part on Talè, because Talè does not suggest the method of claim 1. Talè does not disclose a method of wrapping a group of cigarettes in wrapping material, and therefore fails to disclose a sheet of wrapping material in a pocket and folding the sheet of wrapping material about a group of cigarettes in the pocket. Further, Talè et al does not disclose two end clamping members, each having an appendix that engages a respective end of the longitudinal lateral gap and about which the sheet of wrapping material is folded.

The system disclosed in Talè and the subject matter of claim 1 are two completely separate steps along the production line of packaging cigarettes. Talè discloses a system in which cigarettes disposed in a hopper can be processed through channels 19 in an orderly system into pockets 10 such that the cigarettes are laid on each other to form a group. It discloses nothing more. The claimed method, in contrast, teaches to wrap a group of cigarettes in wrapping material. There is absolutely no suggestion whatsoever in Talè of a method of wrapping the groups of cigarettes, much less using two end clamping members, each having an appendix that engages a respective end of the longitudinal lateral gap and about which the sheet of wrapping material is folded.

Independent claim 1 is therefore allowable over Talè. Claims 2-7, which depend from claim 1, are also allowable.

CONCLUSION

In view of the foregoing remarks, it is submitted that the claims as now appearing in this application are in good and proper form for allowance. A favorable action on the part of the examiner is respectfully solicited. If, in the opinion of the examiner a telephone conference would expedite prosecution of the subject application, the examiner is invited to call the undersigned attorney.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 20022/40085/US.

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Respectfully submitted,

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